



#58

PATENT
Docket Number: 26162.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: §
Rodney Glen Adams §

Serial No.: 09/357,250 §

Filed: July 20, 1999 §

For: SYSTEM AND METHOD FOR TRANS- §
FERRING INFORMATION IN A §
HYPERTEXT TRANSFER PROTOCOL §
BASED SYSTEM §

Group Art Unit: 2153

Examiner: Meky, Moustafa M.

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Technology Center 2100

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OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

Applicant, by his attorney of record, hereby petitions the Commissioner to withdraw of the holding of abandonment in the above-identified application. Without Applicant's knowledge, it appears the above-identified patent application was held abandoned for failure to respond to a Final Office Action mailed November 5, 2002.

A Notification of Abandonment has not yet been received. However, the time period for response to the Final Office Action has expired and therefore, this Petition is being filed within one year of the date of abandonment.

A search of the file jacket and docket records indicates that the Final Office Action dated November 5, 2002 was not received by the undersigned. For the following reasons, Applicant respectfully requests withdrawal of the holding of abandonment.

The last correspondence received from the United States Patent Office was an Office action on May 8, 2002, and an Amendment in response to the Final Office Action was mailed July 10, 2002. Applicant never received a second Office Action in the above-identified application.

The undersigned first became aware that the application had been abandoned upon conducting a status check on the Patent Application Information Retrieval (PAIR) system. The search results indicated

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a Final Action was mailed on November 5, 2002. At that time, the undersigned learned for the first time that the above-identified patent application was held abandoned for failure to respond to the Final Office action within the statutory period of 6 months after the November 5, 2002 date of the Final Action.

Since that date, the Applicant promptly attended to the filing of the Petition. Specifically, on June 6, 2003, Applicant arranged to have Ms. Bea Lansdown of B's Business Services obtain a copy of the Final Office Action, a copy of which is enclosed for reference purposes. Upon receipt of the Action, Applicant finalized Petition for submission.

Accompanied by this Petition is a Declaration by our Legal Assistant Coordinator, Suzanne M. Kiefer, verifying that the Final Office Action was in fact never received by the undersigned.

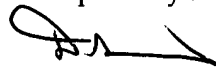
Accordingly, Applicant respectfully requests withdrawal of the holding of abandonment.

No petition fee associated with this "Petition to Withdraw Holding of Abandonment" is believed to be required, because Applicant never received the Final Office Action. From the foregoing statement of facts, it is clear the delay in responding was unavoidable. In such event only if required, please charge payment of the petition fee under 37 C.F.R. 1.17(l) in the amount of \$ 110.00 to Deposit Account No. 08-1394. If such a petition fee is charged, Applicant hereby submits a request for refund of the petition fee, because Applicant never received the Final Office Action dated November 5, 2002.

No additional fee associated with this communication is believed to be required. However, please charge payment of any additional fees required, or credit any overpayment, to Deposit Account No. 08-1394.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Haynes and Boone, LLP. Deposit Account No. 08-1394 associated with this communication. This form submitted in duplicate.

Respectfully submitted,



David L. McCombs
Registration No. 32,271

Date: 30 JUNE 2003
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214-651-5533
Facsimile: 972-692-9116
File: 26162.4
Customer Number: 27683
D1144518.1

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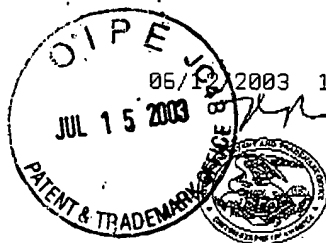
JUL 1 6 2003

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on

7-10-03
Dayle Connor



06/12/2003 10:20

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BS BUSINESS SERVICES

PAGE 05

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20581
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,250	07/20/1999	RODNEY G. ADAMS	PR2667(26162	8977

27683 7590 11/05/2002
HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

MEKY, MOUSTAFA M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/357,250

Applicant(s)

ADAMS, RODNEY G.

Examiner

Moustafa M Meky

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (Technology Center 2100)
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The amendment filed July 16, 2002 has been entered and considered by the examiner.
2. Claims 1-24 are presenting for examination.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Montulli (US Pat. No. 5,774,670).
5. As to claims 1-6, Montulli shows in Figs 1A, 1B, 4, a system for presenting custom information to an HTTP client from a first HTTP server (see col 1, lines 53-55, col 2, lines 36-39). The system of Montulli teaches the following:
 - * storing a plurality of state objects (cookies) having attribute (see the abstract, lines 11-15, col 2, lines 53-55, col 8, lines 32-36) received from second server (s) on the client prior to an interaction with the first server, see the abstract, lines 6-8, col 2, lines 14-16, lines 30-33, lines 60-65, col 3, lines 5-14, col 7, lines 13-19, lines 31-38, col 9, lines 13-20, col 10, lines 25-37, col 11, lines 53-57, col 12, lines 49-56;
 - * initiating an interaction between the client and the first server, see col 7, lines 20-27, col 8, lines 35-39, col 9, lines 47-61, col 10, lines 48-50 ;
 - * requesting information from the first server, see col 7, lines 20-27, col 8, lines 35-39, col 9, lines 47-61, col 10, lines 48-50 ;

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* sending one cookie (state object) to the first server so that the information can be formatted responsive to the cookie, see the abstract, lines 11-15, col 7, lines 20-27, col 8, lines 35-39, col 9, lines 47-61, col 10, lines 48-50; and

* receiving the formatted information to the client, see col 7, lines 20-27, col 8, lines 35-39, col 9, lines 47-61, col 10, lines 48-50.

6. As to claims 7-24, the claims are similar in scope to claims 1-6, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-6 that Montulli anticipates claims 1-24.

7. The applicant argues in his remarks that Montulli does not teach storing a plurality of state objects on the HTTP client prior to an initial interaction with the HTTP server.

7.1. In response to the above argument, Montulli teaches storing a plurality of state objects (cookies) received from an HTTP server on the HTTP client prior to an initial interaction with a different HTTP server, see col 3, lines 23-27, col 7, lines 20-27.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this Group is (703) 308-9051.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-305-7201 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

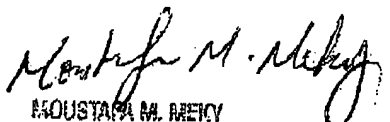
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

M.M.M November 01, 2002

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MOUSTAFI M. MEKY
PRIMARY EXAMINER

SEARCHED			
Class	Sub.	Date	Exmr.
709	200 201 203 217 218 219 224 227 229	1/22/2002	MMM
update		11/11/2002	MMM

INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
STN	1/22/2002	MMM

(RIGHT OUTSIDE)



PATENT
Docket Number: 26162.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Rodney Glen Adams	§	
	§	
Serial No.: 09/357,250	§	Group Art Unit: 2153
	§	
Filed: July 20, 1999	§	Examiner: Meky, Moustafa M.
	§	
For: SYSTEM AND METHOD FOR TRANS-	§	
FERRING INFORMATION IN A	§	
HYPERTEXT TRANSFER PROTOCOL	§	
BASED SYSTEM	§	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DECLARATION OF SUZANNE M. KIEFER

I, Suzanne M. Kiefer, declare that:

1. I am the Staff Administrator in the Intellectual Property Practice Group of the law firm of Haynes and Boone, LLP, 901 Main Street, Dallas, Texas, United States of America.
2. I have over 13 years experience as a legal assistant and have been employed by Haynes and Boone since January 1998.
3. I currently supervise the legal assistants, docketing department, secretaries, and records departments for the Intellectual Property Practice Group. I additionally am in charge of the implementation of policy and procedures as they relate to each of those areas.
4. Since April 1998, I have been responsible for the docketing of incoming mail. All official actions, notices of allowances and other papers received from the U.S. Patent and Trademark Office were first placed in my hands for docketing.
5. The last communication received from the U.S. Patent and Trademark Office was an Official Action dated April 29, 2002.

6. After response was mailed on July 10, 2002 to the April 29, 2002 action, the next action due according to our established docketing procedures was "Awaiting Office Action" which was docketed for November 10, 2002.

7. All incoming correspondence is first routed daily to the docketing department for processing before it is given to the handling attorney. Each piece of correspondence is "docket stamped" to show that the correspondence has been processed through docketing with the next action due written on the correspondence.

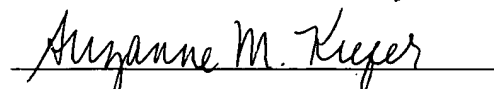
8. The Final Office Action was dated November 5, 2002, at which time I was no longer directly responsible for the daily review or docketing of incoming mail. However, I still supervise the procedure by which incoming mail was received and docketed.

9. I have reviewed the above-identified file and relevant docket entries (a copy of the docket record where the nonreceived communication would have been entered had it been received and docketed as indicated in MPEP § 711.3(c) is attached) and have determined that the Final Office Action was never received in the offices of Haynes and Boone, LLP. At this time, the application had already become abandoned.

10. The docketing steps summarized above are the procedures previously established at our firm and those I always docketed upon receipt of the Final Office Action received from the United States Patent and Trademark Office.

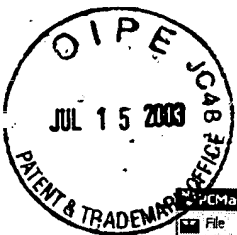
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 6-26-03


Suzanne M. Kiefer

D1144518.1

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PCMaster v3.03.01 - Haynes & Boone - [Patent]

File Edit Records Utilities Tools Help

Docket Number: 26162.4
Country: United States
Case Type: Regular Case Type
Relation Type: Original Filing
Filing Type: NATIONAL CASE

Attorney: DAVID L. MCCOMBES
Agent:
Client/Division: NORTEL NETWORKS - NC
Current Owner:

SYSTEM AND METHOD FOR TRANSFERRING INFORMATION IN A HYPERTEXT TRANSFER PROTOCOL

Miscellaneous		Related Applications		Title		Text		Client Ref. #	
Filing Data		Related Party Info		Actions Due		Notes		Inventors	
Action	Action Due Date	Deadline Date	Completed Date	Action Notes					
Awaiting Office Action	7/20/2002		5/8/2002						
Response Due 1st O.A.	7/29/2002	10/29/2002	7/10/2002						
Awaiting Post Card	8/10/2002		7/29/2002	Response to OA					
Resp. Due - 1st O.A. (1)	8/29/2002	10/29/2002	7/10/2002						
Resp. Due - 1st O.A. (2)	9/29/2002	10/29/2002	7/10/2002						
Resp. Due - 1st O.A.	10/29/2002	10/29/2002	7/10/2002						
Awaiting Office Action	11/10/2002		6/6/2003	final action mailed					
Awt'g Documents From	6/20/2003		6/12/2003	Final Action					
Prepare Petition to	6/20/2003			proceed with					
Awt'g Instructions From	6/20/2003		6/18/2003	re: petition to					
*									

Created: 2/12/1999 Updated: 6/18/2003 9:41 AM By: LAH

Start Applications Inbox: Mic... MANAGE: D... CDTracker SmartTimers PCMaster v... #1144518v1... 12:05 PM

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PATENT
Docket Number: 26162.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rodney Glen Adams

Serial No.: 09/357,250

Filed: July 20, 1999

For: SYSTEM AND METHOD FOR TRANS-
FERRING INFORMATION IN A
HYPERTEXT TRANSFER PROTOCOL
BASED SYSTEM§
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Group Art Unit: 2153

Examiner: Meky, Moustafa M.

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Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Enclosed are the following:

1. Petition to Revive Withdraw Holding of Abandonment and corresponding documents

(in duplicate);

2. Return postcard.

The Commissioner is hereby authorized to charge Deposit Account No. 08-1394 for any deficiencies in the enclosed fees. This sheet submitted in duplicate.

Respectfully submitted,

David L. McCombs
Registration No. 32,271

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Date: 10 JULY 2003

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214-651-5533
Facsimile: 972-692-9116
Customer Number: 27683
D-1144518_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on

7-10-03

Dayle Conner